

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:05cv234**

**GERALD MADVIG, Derivatively on
Behalf of Nominal Defendant INGLES
MARKETS, INC.,**

Plaintiff,

Vs.

**CHARLES L. GAITHER, JR.; ROBERT
P. INGLE; ROBERT P. INGLE, II;
JAMES W. LANNING; JOHN O.
POLLARD; CHARLES E. RUSSELL;
LAURA INGLE SHARP; BRENDA S.
TUDOR; and J. ALTON WINGATE,**

Defendants,

and

INGLES MARKETS, INC.,

Nominal Defendant.

JUDGMENT

THIS MATTER is before the court in accordance with 28, United States Code, Section 636(c), and on defendants' Motion to Dismiss (#11), and having determined that defendants are entitled to dismissal of this action as a matter of law, as shown in the Memorandum of Decision filed simultaneously herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that defendants' Motion to Dismiss is **GRANTED**, and plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

Signed: October 11, 2006

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

